

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

July 25, 2006

Amendment to Item #9

Minor changes to the proposed density bonus ordinance are required to ensure that the County ordinance meets the intent of the state mandate to 1) provide a stable and adequate supply of affordable and senior citizen housing and 2) provide sufficient opportunity for interested parties to bring available facts to the attention of County decision makers. These changes will help ensure that affordable and senior citizen housing developments will meet the needs of the populations they serve while not adversely affecting the communities where they are built.

Further, state law only allows the County to deny a non-discretionary housing application if at least one of two specific findings are made. Allowing appeals of a project that uses only on-menu incentives or are based on facts irrelevant to those two legally acceptable reasons for denying a project would unnecessarily discourage the development of worthwhile affordable housing developments. However, the process as it currently stands fails to adequately promote the on-menu incentives and unfairly denies the neighbor of a project the same privilege that a developer has to appeal a decision to the Planning Commission in order to bring relevant facts to light.

MOTION

MOLINA _____

BURKE _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

I, THEREFORE, MOVE that:

- 1) Senior citizen housing developments shall be reserved for senior citizens for at least 30 years from the issuance date of the certificate of occupancy.
- 2) When an off-menu incentive is requested, an appeal to the Regional Planning Commission may be made by the applicant or any other interested party.

Alternatively, the decision may be called up for review by the Commission within 21 days of receipt of notification. An appeal under these circumstances may only be deemed valid by the Planning Director if that appeal is based on facts that the Planning Commission can legally consider for denial of a project under state law. Further, all notices of decision must contain a statement informing recipients of the notice a) that the project is subject to an administrative permit and is not subject to discretionary review; b) of the limited grounds on which an appeal may be filed; and, c) of the limited grounds on which the Planning Commission may legally deny a permit under state law. The decision of the Planning Commission shall be final.